

PATENT COOPERATION TREATY

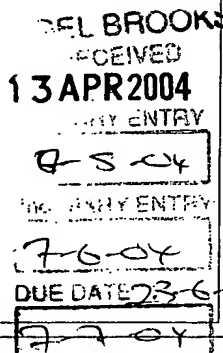
In the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

WRITTEN OPINION
(PCT Rule 66)

To:

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Date of mailing
(day/month/year) 07.04.2004

Applicant's or agent's file reference

20781 RI

REPLY DUE

within 3 month(s)
from the above date of mailing

International application No.
PCT/GB 03/03411

International filing date (day/month/year)
04.08.2003

Priority date (day/month/year)
06.08.2002

International Patent Classification (IPC) or both national classification and IPC
H05B6/80, H05B6/80

Applicant

CAVITY PROTECTION SYSTEMS LIMITED et al.

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is:

Name and mailing address of the international preliminary examining authority:



European Patent Office
D-80298 Munich
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Authorized Officer

Formalities officer (incl. extension of time limits)
Beardsworth, R
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I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-6 as originally filed

Claims, Numbers

1-17 as originally filed

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1,3,4,10,11,15,16
Inventive step (IS)	Claims	5,7,8,12,17
Industrial applicability (IA)	Claims	

2. Citations and explanations**see separate sheet**

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

- D1: US-A-4 778 968 (TORRES MATTHEW A) 18 October 1988 (1988-10-18)
- D2: US-A-4 481 395 (PANGBORN GEORGE W ET AL) 6 November 1984 (1984-11-06)
- D3: US-A-6 137 097 (HOGAN DAVID ET AL) 24 October 2000 (2000-10-24)
- D4: US-A-5 290 985 (JANCIC DALE A ET AL) 1 March 1994 (1994-03-01)
- D5: US-A-5 512 737 (MIKLOS JOSEPH P) 30 April 1996 (1996-04-30)
- D6: US-A-4 563 559 (ENAMI TOSHIAKI) 7 January 1986 (1986-01-07)

Claim 1:

Document D1, discloses (see especially column 3, line 57 to column 4, line 20 and figure 3) a microwave oven liner comprising a roof (16'), a floor (15'), a back (14') and two sides (14'), all being of food grade plastics material and of sufficient (relative term! = unclear) rigidity for automatic washing, the whole being sized to fit removably in a microwave oven.

Hence, all the features of claim 1 are known from document D1 and the subject-matter of claim 1 is not new in the sense of Article 33 (2) PCT.

Documents D2-D5 also anticipate the subject-matter of claim 1.

Claims 3, 4, 5, 7, 8, 10, 11, 12, 15, 16, 17:

Dependent claims 3, 4, 10, 11, 15 and 16 do not contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of PCT with respect to novelty (Article 33 (2) PCT), the essential features thereof being already included in one of the documents D1-D5 (see ISR).

Dependent claims 5, 7, 8, 12 and 17 do not seem to contain any additional features which, in combination with the features of any claim to which they refer, meet the

requirements of PCT with respect to inventive step (Article 33 (3) PCT), the essential features thereof being already included in document D7 (claim 5: see especially figure 1), D6 (claim 12) or they (claims 7, 8, 17) are merely one of several possibilities under which a skilled person would select.

The industrial applicability of the invention is obvious.

Annotations:

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1-D5 is not mentioned in the description, nor are these documents identified therein.

Independent claim 1 is not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

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